

HOUSE BILL No. 1317

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-30-5-13.5.

Synopsis: Parental notice of abstinence-only education. Requires a principal to send notice to parents if the school is providing abstinence-only human sexuality courses. Specifies the language of the notice. Allows a parent to have the parent's child excused from abstinence-only courses. Provides an appeals process for a parent who does not receive notice of the parent's right to address the governing body concerning curriculum.

Effective: July 1, 2009.

Lawson L

January 13, 2009, read first time and referred to Committee on Education.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1317

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-30-5-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 13.5. (a) This section applies to a school that:**

(1) receives; or

(2) enters into an agreement for the provision of human sexuality education with an organization that receives; state or federal funding to provide abstinence-only human sexuality education.

(b) As used in this section in reference to education, instruction, curricula, and courses, "abstinence-only" means that the information presented concerning human sexuality or sexually transmitted diseases emphasizes abstinence from sexual activity and excludes other types of human sexuality education.

(c) As used in this section, "medically accurate instruction" means instruction presenting information that is:

(1) supported by the weight of research conducted in



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1 compliance with accepted scientific methods; and
 2 (2) recognized as accurate and objective by leading
 3 professional organizations and agencies with relevant
 4 expertise in the field.

5 (d) The principal of a school shall send the following notice to
 6 the parents of each student enrolled in abstinence-only courses at
 7 the beginning of each school year or, for a student who enrolls in
 8 the school after the beginning of the school year, at the time of that
 9 student's enrollment:

10 "Your child is receiving abstinence-only human sexuality
 11 education.

12 Abstinence-only education does not teach students how to
 13 prevent pregnancy or sexually transmitted diseases other than
 14 by remaining abstinent.

15 Your child is not receiving the following:

16 (A) Information on methods, other than abstinence, for
 17 preventing pregnancy and sexually transmitted diseases,
 18 including HIV/AIDS.

19 (B) Medically accurate instruction on the risks and
 20 benefits, including safety and efficacy, of Food and Drug
 21 Administration (FDA) approved methods for:

22 (i) reducing the risk of contracting sexually transmitted
 23 diseases, including HIV/AIDS; and

24 (ii) preventing pregnancy.

25 (C) Medically accurate instruction regarding the correct
 26 use of FDA approved methods for:

27 (i) reducing the risk of contracting sexually transmitted
 28 diseases, including HIV/AIDS; and

29 (ii) preventing pregnancy.

30 (D) Instruction that provides lesbian, gay, bisexual, and
 31 transgender students with the necessary skills for making
 32 and implementing responsible decisions about
 33 relationships and sexuality, including the use of all
 34 effective methods to prevent sexually transmitted diseases,
 35 including HIV/AIDS.

36 (E) Instruction that provides sexually active students with
 37 the necessary skills for making and implementing
 38 responsible decisions about relationships and sexuality,
 39 including the use of all effective methods to prevent
 40 pregnancy and sexually transmitted diseases, including
 41 HIV/AIDS.

42 You have the right to review the abstinence-only curriculum

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in its entirety. Written and audiovisual educational materials used in abstinence-only education are available for inspection. You have the right to excuse your child from all or parts of abstinence-only instruction.

You have the right to be involved in your child's education."

(e) At the written request of a student's parent, a student shall be excused from all or parts of abstinence-only education. Upon receipt of a request to withdraw a student, the principal shall provide the parent with a list of references developed by the state department of health that provide materials for instruction concerning both abstinence and comprehensive human sexuality and sexually transmitted diseases.

(f) A student may not be subject to disciplinary action, an academic penalty, or any other sanction if the student's parent does not allow the student to receive abstinence-only education.

(g) The principal shall inform parents of students enrolled in abstinence-only human sexuality courses of the opportunity to comment on the curriculum to the governing body either by including information about the comment process in the notice required by subsection (d) or in a separate notice to be mailed at the beginning of each year or, for a student who enrolls in a school after the beginning of the school year, at the time of that student's enrollment.

(h) A parent who believes that the parent has not received a notice required under subsection (d) may file a complaint with the superintendent. Not later than thirty (30) days after receiving a complaint under this subsection, the superintendent shall:

- (1) take any necessary corrective action; and
- (2) inform the parent and principal of the corrective action taken.

(i) After:

- (1) receiving a response from the superintendent under subsection (h); or
- (2) receiving no response from the superintendent after thirty (30) days;

a parent may file a complaint with the governing body for review regarding the insufficiency of the corrective action. Not later than thirty (30) days after receiving a complaint, the governing body may take corrective action and shall notify the complainant and superintendent concerning the governing body's action.

(j) After:

- (1) receiving a response from the governing body under

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1 subsection (i); or

2 (2) receiving no response from the governing body after thirty

3 (30) days;

4 a parent may file an appeal with the state superintendent if the
5 parent regards the corrective action taken under subsection (h) or
6 (i) as insufficient or if the parent has received no response from the
7 governing body. The state superintendent shall investigate the
8 claim and make a finding regarding compliance. If the state
9 superintendent makes a finding of substantial noncompliance, the
10 state superintendent shall take corrective action, including
11 prohibiting the district from accepting state and federal funding to
12 provide abstinence-only education for a period of at least one (1)
13 calendar year.

14 (k) A parent who disagrees with the state superintendent's
15 finding under subsection (j) may petition for judicial review of the
16 action under IC 4-21.5-5.

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